

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 2, 5, 11 are currently amended. Support for the amendments to claims 2, 5, and 11 are discussed below. Claims 1, 3-4 remain cancelled, and claims 8-10, 12-14 remain withdrawn.

A typographical error in claim 2 is corrected by replacing the term “not greater than 21 mHg” with “not greater than 21 mmHg”. The basis for this amendment can be found throughout the specification, particularly Paragraph [0011] and Paragraph [0081].

Election/Restriction

Claims 8-10 and Claims 12-14 are withdrawn. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

Information Disclosure Statement

Applicant encloses a resubmission of an Information Disclosure Statements filed in the above-identified application on October 12, 2005.

Copies of the foreign patent documents and literature articles are submitted herewith to ensure consideration thereof by the Examiner. The absence of a full English translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609). Further, the relevance of the foreign language reference is given in the International Search Report filed on August 21, 2007, which meets the “concise explanation” requirement for foreign language documents.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Claim Rejection - 35 USC § 112 - Second Paragraph

Claim 5 has been rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant amended claim 5 by replacing the term “the same or substantially the same genetic background” with “all genotype other than the targeted genotype (GLAST genotype) are the same by or 99% or more” in view of the Examiner’s suggestions. The basis for the amendment can be found in paragraph [0042]. By the amendments, these rejections should be overcome.

Claim Rejections - 35 USC § 102(b) and § 103(a)

Claim 11 has been rejected as being anticipated by Watase et al. (Eur. J. Neurosci. 10:976-988; 1998) and Claims 2 and 5-7 have been rejected as being obvious over Watase et al., in view of Chitinis et al.

Watase et al. discloses a homozygous or heterozygous GLAST knock out mouse, however the GLAST knockout mouse in the art cannot be used as a model for normal tension glaucoma in view of the following description (emphasis supplied):

“however unless ischemic load is applied damage to the retinal tissue is applied, damage to the retinal tissue is not observed in this GLAST knockout mouse” (See Paragraph [0006] of this application), or

“but in this type of GLAST knockout mice, no significant change was noted in the number of cells in the retinal ganglions, when compared with wild-type normal mice; a decrease in the number of cells in the retinal ganglions was observed only after transient ischemia was achieved by instilling sterile saline into the eye of the GLAST knockout at 150 cm H₂O pressure for 60 minutes (Harada, T, et al., Proc. Natl. Acad Sci. USA, 95, 4663-4666, 1998). (See Paragraph [0059] of this application).

On the other hand, the GLAST knockout mouse of the presently claimed invention has intraocular pressure within the normal range and the number of cells is reduced in the retinal ganglions when ischemic load is not applied, thus the inventive mouse can be used as a model mouse for normal tension glaucoma. The prior art mouse fails to provide a model with this important advantage.

Claim 2 has been amended to incorporate the phrase “when ischemic load is not applied” to highlight the distinction between the present invention and what is suggested by the prior art. The basis

for the amendment can be found throughout the specification, particularly Paragraphs [0080]. By the amendments, these rejections for Claim 2 and its depended Claims 5-7 should have been overcome.

Claim 11 has been restricted to a GLAST knockout mouse in which “1) the intraocular pressure is not greater than 21 mmHg and, 2) the number of cells in the retinal ganglions is reduced by at least 20%, when compared to a wild-type mouse”. Claim 11 has also been amended to highlight the property of the invention by incorporation of some element of claim 2. Claim 2 is neither anticipated by nor rendered obvious over the teaching of Watase et al. The basis for the amendment can be found throughout the specification, particularly Claim 2, Paragraph [0010], and Paragraph [0043].

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Appl. No. 10/553,051

Atty. Dkt. No. 023312-0118

Respectfully submitted,

Date Feb. 13, 2008

By 

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5569

Facsimile: (202) 672-5399

Stephen B. Maebius

Attorney for Applicant

Registration No. 35,264